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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,733	06/25/2001	Angus Duncan Richards		5758

7590 05/19/2005  
Angus Duncan Richards  
5016 Kelly Street  
Los Angeles, CA 90066

EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/891,733

**Applicant(s)**

RICHARDS, ANGUS DUNCAN

**Examiner**

Gims S. Philippe

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 66-70 and 78-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 66-70 and 79-89 is/are rejected.
- 7) ☒ Claim(s) 78 and 90 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is a first Office action in response to an election in which claims 66-70 and 78 to 90 were elected without traverse. Since the applicant has not indicated the status of the remaining claims, this election is considered final and, the non-elected claims must be canceled.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 66 is rejected under 35 U.S.C. 102(b) as being anticipated by Booth (US Patent no. 5619255).

As per claim 66, Booth discloses the same electronic device comprising: (a) a plurality of video image display devices (See fig. 2, displays 140, 142, and 144, and col. 6, lines 22-25), (b) means for producing an enhanced spatial television-like viewing experience utilizing the devices (See col. 6, lines 41-57), and (c) means for a viewer to view audiovisual media in a wide-screen panoramic format such that the viewable area extends to a full 360 degrees horizontally and up to 180 degrees vertically (See col. 4, lines 53-61, and col. 8, lines 4-17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 67-70 and 84-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booth (US Patent no. 5619255) in view of Ritchey (US Patent no. 5495576).

As per claims 67-69, and 87-89 it is noted that Booth is silent about the means for producing graphical imagery depicting a panoramic image and means for updating the panoramic image.

Ritchey discloses an electronic device including the means for producing graphical imagery depicting a panoramic image and means for updating the panoramic image (See Ritchey col. 23, lines 57-67, and col. 24, lines 1-8).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Booth's electronic device by incorporating Ritchey's means for producing graphical imagery depicting a panoramic image and means for updating the panoramic. The motivation for such a modification in Booth is to provide an interactive input device to cause the generation, alteration,

display of the 3-D images on the display system as taught by Ritchey (See col. 2, lines 46-50). Note that the augmented reality is seen in the 3-D panoramic image. Also note that the updating of the panoramic image is done by differential imaging techniques.

The applicant should note that since Ritchey provides the graphical imagery as stated above, the steps of determining the order of pages, providing screen-based display device, are considered met by the proposed combination of Booth and Ritchey (as noted in claims 68 and 69) (See Ritchey col. 10, lines 1-30).

As per claims 70, most of the limitations of this claim have been noted in the above rejection of claim 67. In addition, Booth further discloses a virtual reality type of display device, wherein the viewer can observe a portion of the full panoramic image through the device (See Booth col. 8, lines 4-34).

As per claims 84-86, most of the limitations of this claim have been noted in the above rejection of claim 67.

It is noted that Booth is silent about providing position and orientation sensitive audio controlled by the direction of viewer's head.

Ritchey discloses an electronic device including means for providing position and orientation sensitive audio controlled by the direction of viewer's head (See Ritchey col. 13, lines 49-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Booth electronic system by incorporating Ritchey's means for providing position and orientation sensitive audio controlled by the direction of viewer's head. The motivation for such a modification is to provide alternative viewer interactive and feedback.

6. Claims 79-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booth (US Patent no. 5619255) in view of Ebeling (US Patent no. 3580978).

As per claims 79-83, most of the limitations of these claims have been noted in the above rejection of claim 66.

It is noted that Booth fails to particularly vary the azimuth and elevation of the viewpoint within the panorama.

Ebeling discloses an electronic device including the step of varying the azimuth and elevation of the viewpoint within the panorama (See Ebeling col. 21, lines 34-65).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Booth by incorporating Ebeling's step of varying the azimuth and elevation of the viewpoint within the panorama in the electronic device for the purpose of simulating effect of viewing the scene portrayed from a greater elevation angle as taught by Ebeling (See col. 22, lines 47-50).

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7. Claims 78 and 90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

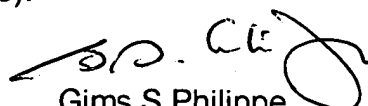
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Washino (US Patent no. 599220) teaches multi-format audio-video production system with frame rate conversion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

May 12, 2005